

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14198 of Almas Temple Club, Inc., et al., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 5303.11 to waive the rear yard requirements for a proposed structure for office, retail social club and accessory parking use in a C-4 District at premises 1315, 1319, 1321-23 K Street and 1000 13th Street, N.W., (Square 248, Lots 800, 803, 804, 813 and 63).

HEARING DATE: October 24, 1984

DECISION DATE: October 24, 1984 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the north side of K Street, N.W. between 13th Street on the east and 14th Street on the west. The site is in a C-4 District and is known as premises 1315, 1319, 1321-23 K Street and 1000 13th Street, N.W.

2. The subject site is rectangular in shape and is formed by five adjoining lots. The dimensions of the site are 147 feet on the east and west sides and 276.75 feet on the north and south sides. The total area of the site is 40,682.25 square feet.

3. The subject property is presently improved with an existing building of approximately 30,000 gross square feet which houses the Almas Temple Club. The building is designated a Category III Landmark under D.C. Law 2-144. The site also includes a vacant lot to the west of the Almas Temple and to the east a Firestone store, and a parking lot at the corner of 13th & K Streets.

4. There is access to and from the subject site through K Street on the south and through a public alley on the north.

5. The neighborhood surrounding the subject site is developed primarily with commercial and office uses. Franklin Park is located directly across from the site on the south side of K street. There is a D.C. Fire Station in the same square as the subject site. The area is zoned C-4 on all four sides of the site. An HR/SP-2 District is located one block to the north and east of the site.

6. Beginning in 1981, the Almas Temple Club determined that its structure was too small for its needs and that its configuration did not lend itself to the Temple activities. To meet its space needs, the Club considered several development options, including the proposed plan which preserves and locates the Temple facade on K Street and allows for construction of a new office and retail structure both behind and beside the new facade.

7. The applicant proposes to erect a twelve story commercial building. The Almas Temple Club will occupy a portion of three floors of the new structure with retail uses on the first floor and the remainder of the building devoted predominantly to office use. The proposed building will have a twelve story atrium on the K Street side. The existing facade of the Almas Temple Club will be relocated and will be incorporated at the western edge of the K Street facade. The applicant is providing underground parking for 171 cars.

8. Rouse and Associates, a Philadelphia based development company, is the contract owner of the land owned by the Scottish Rite and the owner of the air rights for the Almas Temple.

9. On January 20, 1982, the Joint Committee on Landmarks gave conceptual approval to the identical development proposal. Due to the high interest rates and adverse market conditions, the club was unable to go forward with its plans at the time. In the spring of 1984, the decision was made to go forward with development plans for the property or to look for office space elsewhere. Not wanting to abandon its downtown location, the Club chose to go forward with the plans previously approved by the Review Board. Accordingly, the subject application was filed.

10. The proposed plans have been reviewed by the State Historic Preservation Review Board which gave conceptual approval to the proposal at its public hearing on September 19, 1984. Subsequent to final approval by the Review Board, the applicant will be required to go forward with a hearing before the Mayor's Agent.

11. Pursuant to the provisions of Paragraph 5302.11, a waiver from the rear yard requirements can be granted provided certain requirements are met. Although the building does not provide a rear yard, there is a thirty foot wide alley at the rear of the subject property which assures that sufficient light and air will be provided to the occupants of both the proposed building and the facing structures. The existing alley system provides, in effect, a rear yard of greater dimensions than that required because of the location of the thirty foot alley. Due to this alley, the proposed building is separated from other

buildings a distance sufficient to provide light and air and to protect the privacy of building occupants. The Board finds that the applicant has complied with the provisions of Paragraph 5303.11.

12. There are no habitable rooms facing each other. The approximate distance between the windows in the proposed building and the windows of the adjacent building across the alley is greater than thirty feet, due to the presence of the thirty foot wide alley at the rear of the subject property. This distance is sufficient to provide adequate light and privacy to such rooms.

13. The proposed building provides adequate off-street service functions, including parking and loading areas and access points. Parking access to the building will be from 13th Street, N.W. Access to the three loading berths will be provided at the rear of the structure, entering from the thirty foot wide public alley in the square. There is no vehicular access to the building from K Street because of design requirements imposed by the Review Board. Although no parking is required under the Zoning Regulations the applicant proposes to construct an underground parking garage which will provide 171 parking spaces to serve the occupants of the new building.

14. Minor modifications to the plans may be required to respond to requests by the Review Board. The applicant requested flexibility to modify the building facade and materials. The Board finds that the requested flexibility is appropriate and does not affect the special exception relief requested.

15. The Office of Planning, by report dated October 17, 1984, and by testimony presented at the public hearing, recommended that the application be approved. The Office of Planning concluded that the applicant met the criteria for approval under Paragraph 5302.11 and Sub-section 8207.2. The Board concurs with the reasoning and recommendations of the Office of Planning.

16. Advisory Neighborhood Commission 2C made no recommendation on the application.

17. There was no opposition to the application at the Public Hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception to waive the rear yard requirements for a proposed structure for office, retail and social club and accessory parking use in a C-4 District. The granting of

such a special exception requires a showing through substantial evidence that the proposed use satisfies the requirements of Paragraph 5303.11 and Sub-section 8207.2 of the D.C. Zoning Regulations.


The Board concludes that the applicant has met its burden of proof for the requested special exception relief. Due to the location of the proposed building on a thirty foot wide alley at the rear of the subject property, sufficient light and air will be provided to occupants of the proposed building and the structure directly across the alley. The Board concludes that the proposed building will provide adequate off-street service functions, including parking and loading areas and access points.

The Board further concludes that, on the basis of the testimony and evidence of record, the requested special exception will be in harmony with the purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 4-0 (Maybelle T. Bennett, William F. McIntosh, Charles R. Norris and Douglas J. Patton to grant; Carrie L. Thornhill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 3 DEC 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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